

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA  
CHARLESTON DIVISION**

**IN RE: C.R. BARD, INC., PELVIC REPAIR  
SYSTEM PRODUCTS LIABILITY LITIGATION**

---

**MDL No. 2187**

**IN RE: AMERICAN MEDICAL SYSTEMS, INC.,  
PELVIC REPAIR SYSTEM PRODUCTS LIABILITY  
LITIGATION**

---

**MDL No. 2325**

**IN RE: BOSTON SCIENTIFIC, PELVIC  
REPAIR SYSTEM PRODUCTS LIABILITY  
LITIGATION**

---

**MDL No. 2326**

**IN RE: ETHICON, INC., PELVIC REPAIR  
SYSTEM PRODUCTS LIABILITY LITIGATION**

---

**MDL No. 2327**

**IN RE: COLOPLAST PELVIC REPAIR SYSTEM  
PRODUCTS LIABILITY LITIGATION**

---

**MDL No. 2387**

**IN RE: COOK MEDICAL, INC, PELVIC REPAIR  
SYSTEM PRODUCTS LIABILITY LITIGATION**

---

**MDL No. 2440**

**IN RE: NEOMEDIC PELVIC REPAIR SYSTEM  
PRODUCT LIABILITY LITIGATION**

---

**MDL No. 2511**

***THIS DOCUMENT RELATES TO ALL CASES***

---

**COMMON BENEFIT FEE AND COST COMMITTEE'S RESPONSE AND  
STATEMENT OF NO OBJECTION TO RECOMMENDED ALLOCATION OF  
COMMON BENEFIT FEES AND THE REIMBURSEMENT OF SHARED EXPENSES  
AND HELD COSTS BY THE COURT APPOINTED EXTERNAL REVIEW  
SPECIALIST**

COMES NOW, the Common Benefit Fee and Cost Committee (“FCC”) and per the Order Scheduling Objections Pursuant to Fee and Cost Protocol, responds and states that the FCC has no objection to the Recommended Allocation of Common Benefit Fees and the Reimbursement of Shared Expenses and Held Costs by the Court Appointed External Review Specialist (the “Recommended Allocation”), which was appended to said Order.

Along with Participating Counsel, the FCC received the Recommended Allocation of the Honorable Daniel J. Stack, Retired, as External Review Specialist and reviewed and considered the contents thereof including the amounts recommended for allocation to each Participating Counsel.<sup>12</sup> The FCC states that upon its consideration of the Recommended Allocation, the FCC has no objection to the Recommended Allocation.

This 13th day of March, 2019.

Respectfully submitted,

THE COMMON BENEFIT FEE AND COST  
COMMITTEE

By: /s/ Henry G. Garrard, III  
Henry G. Garrard, III  
[hgarrard@bbga.com](mailto:hgarrard@bbga.com)  
Chairman of the Fee &  
Compensation Committee

BLASINGAME, BURCH, GARRARD & ASHLEY  
P.O. Box 832  
Athens, GA 30603  
706-354-4000

---

<sup>1</sup> The FCC was established by Order of the Court as follows: Bard MDL 2187 PTO 207, AMS MDL 2325 PTO 204, BSC MDL 2326 PTO 136, Ethicon MDL 2327 PTO 211, Cook MDL 2440 PTO 71, Coloplast MDL 2387 PTO 85, Neomedic MDL 2511 PTO 23. The Honorable Daniel J. Stack, Retired, was appointed by Order of the Court entered October 13, 2017, as follows: Bard MDL 2187 Doc. No. 4663, AMS MDL 2325 Doc. No. 5112, BSC MDL 2326 Doc. No. 4422, Ethicon MDL 2327 Doc. No. 4783, Cook MDL 2440 Doc. No. 592, Coloplast MDL 2387 Doc. No. 1572, Neomedic MDL 2511 Doc. No. 177.

<sup>2</sup> “Participating Counsel” has the same definition as that set forth in the Agreed Order Regarding Management of Timekeeping, Cost Reimbursement and Related Common Benefit Issues, to wit: “‘Participating Counsel’ are counsel who subsequently desire to be considered for common benefit compensation....”

**/s/ Renee Baggett**

Renee Baggett

[RBaggett@awkolaw.com](mailto:RBaggett@awkolaw.com)

AYLSTOCK, WITKIN, KREIS & OVERHOLTZ  
17 East Main Street, Suite 200  
Pensacola, FL 32502  
850-202-1010

**/s/ Riley L. Burnett, Jr.**

Riley L. Burnett, Jr.

[rburnett@rburnettlaw.com](mailto:rburnett@rburnettlaw.com)

BURNETT LAW FIRM  
3737 Buffalo Speedway, Suite 1850  
Houston, TX 77098  
832-413-4410

**/s/ Thomas P. Cartmell**

Thomas P. Cartmell

[tcartmell@wcllp.com](mailto:tcartmell@wcllp.com)

WAGSTAFF & CARTMELL, LLP  
4740 Grand Avenue, Suite 300  
Kansas City, MO 64112  
816-701-1100

**/s/ Clayton A. Clark**

Clayton A. Clark

[CClark@triallawfirm.com](mailto:CClark@triallawfirm.com)

CLARK, LOVE & HUTSON, G.P.  
440 Louisiana Street, Suite 1600  
Houston, TX 77002  
713-757-1400

**/s/ Yvonne M. Flaherty**

Yvonne M. Flaherty

[ymflaherty@locklaw.com](mailto:ymflaherty@locklaw.com)

LOCKRIDGE GRINDAL NAUEN P.L.L.P.  
100 Washington Avenue S., Suite 2200  
Minneapolis MN 55401  
612-339-6900

**/s/ Carl N. Frankovitch**

Carl N. Frankovitch

[carl@facslaw.com](mailto:carl@facslaw.com)

FRANKOVITCH, ANETAKIS, SIMON,  
DECAPIO & PEARL, LLP  
337 Penco Road  
Weirton, WV 26062  
304-723-4400

MOTLEY RICE LLC  
28 Bridgeside Blvd.  
Mt. Pleasant, SC 29464  
843-216-9000

/s/ Joseph F. Rice  
Joseph F. Rice  
[jrice@motleyrice.com](mailto:jrice@motleyrice.com)

3041 Knotty Pine Dr.  
Pensacola, FL 32505  
304-546-2347

/s/ William H. McKee, Jr  
William H. McKee, Jr  
[bmckee@suddenlink.net](mailto:bmckee@suddenlink.net)

**CERTIFICATE OF SERVICE**

I hereby certify that on March 13, 2019, I electronically filed the **COMMON BENEFIT FEE AND COST COMMITTEE’S RESPONSE AND STATEMENT OF NO OBJECTION TO RECOMMENDED ALLOCATION OF COMMON BENEFIT FEES AND THE REIMBURSEMENT OF SHARED EXPENSES AND HELD COSTS BY THE COURT APPOINTED EXTERNAL REVIEW SPECIALIST** with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the CM/ECF participants registered to receive service in this MDL.

By: /s/ Henry G. Garrard, III

BLASINGAME, BURCH, GARRARD & ASHLEY  
P.O. Box 832  
Athens, GA 30603  
706-354-4000